

REMARKS

Reconsideration and withdrawal of the rejection of the instant application are respectfully requested.

Claims 1-6 are pending in this application. In the Office Action, claim 1 has been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over copending U.S. Application No. 10/643,466. Claims 2-6 have been objected to as being dependent upon a rejected base claim.

Submitted with this response is an executed Terminal Disclaimer effectively disclaiming any portion of the instant application, which would extend beyond the life of U.S. Application No. 10/643,466. Accordingly, it is requested that the rejection to claim 1 be withdrawn.

CONCLUSION

It is respectfully submitted that the instant application is in condition for allowance and an early notice to this effect is respectfully solicited.

A check in the amount of \$65.00 for the filing of a Terminal Disclaimer for a small entity is enclosed herewith. The Commissioner is authorized to charge any additional fees that may be required to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:



Ronald R. Santucci

Reg. No. 28,988

(212) 588-0800